

# Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW  
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## 1992 : Vers une nouvelle Europe

par Eric Buzzetti, BCL II

En dépit de la fête nationale qui souligne en Belgique l'anniversaire du roi Baudouin, le diplomate belge Jacques Lecomte avait accepté d'être parmi nous le 15 novembre dernier. Invité par la Société de Droit International de McGill, M. Lecomte est venu entretenir son auditoire de l'union économique européenne, celle-là même qui sera consommée en 1992.

D'emblée, le fonctionnaire européen a voulu préciser une chose : Europe-1992 ne se veut pas uniquement un accord multilatéral de libre-échange. L'entente, il est vrai, vise l'élimination des barrières tarifaires entre les Etats-membres; cependant elle envisage également la disparition de toutes les entraves existant au sein de la Communauté. Cette libre circulation se réaliserait ainsi sur quatre plans : celui des biens, des services, des capitaux et des individus.

Comme le précisait M. Lecomte, une telle liberté de mouvement doit inévitablement s'accompagner d'une uniformisation des normes. Par exemple, le médecin italien désireux de pratiquer en France aurait eu par le passé à faire la preuve de son savoir-faire. La communauté se fonde sur une prémissse contraire : celle de la reconnaissance inconditionnelle des compétences "étrangères". De la naît la nécessité de standardiser.

Le diplomate s'est ensuite brièvement attardé aux institutions qui déjà permettent à la communauté d'avoir une existence tangible. Il a décrit le Parlement européen, qui compte 518 membres, pour ensuite mentionner la Cour Européenne de Justice, dont il a assimilé le rôle à celui de la Cour fédérale du Canada. M. Lecomte a également décrit la fonction du Conseil des Ministres qui se veut l'organe décisionnel suprême de la Communauté. Il a enfin brossé un tableau du rôle de la Commission, à laquelle incombe entre autres la gestion du budget.

Le diplomate a par la suite voulu souligner le dynamisme du processus en cours. Il s'est ainsi attardé aux problèmes que confronte actuellement la Communauté Européenne, soulignant qu'il appartiendra aux générations de "l'après-1992" d'étoffer les ébauches de solutions en place.

A cet égard, il a exprimé son appréhension face au danger de voir les riches membres du Nord bénéficier indûment de la libéralisation des échanges et ce au détriment du Sud. "C'est dans cette optique, a-t-il dit, qu'a été créé le Fond de développement régional Européen." Le diplomate a également abordé la question de l'admission de nouveaux Etats au sein du groupe des 12. A ce propos, il a fait ressortir les difficultés que présente déjà

l'utilisation de neuf langues dans l'administration de la Communauté.

Enfin, en guise de conclusion, M. Lecomte a mis en relief l'impatience du futur de la CEE pour le Canada tout spécialement : "La Communauté Economique Européenne représente un marché de 325 millions d'habitants, il vous appartient de le conquérir", a-t-il fièrement lancé. A la lumière des récents développements en Europe de l'Est, force nous est d'avouer que cet appel prend une coloration toute particulière. M. Lecomte le reconnaissait d'ailleurs lui-même et, paraphrasant François Mitterrand, exprimait ainsi ses secrets espoirs : "naguère, nous vivions dans un monde de barrières mais où les frontières se voulaient bien définies; maintenant, ce monde est à reconstruire mais nos réalisations seront celles d'hommes plus libres."

### BONNE ANNEE!

Due to the interruption in the publishing schedule during the exam period, the following articles on conferences did not appear earlier. -the eds.

HAPPY NEW YEAR!

# Announcements

**Used Book Sale** - There will not be one! Instead, the LSA will put aside one bulletin board with lists of second term courses. Anyone wishing to sell a book should put their name, phone number and title of book on the appropriate list. A bookstore list will be provided in order to determine which books are being used for which courses as well as the prices of the books when purchased new. Please make use of this centralized board as personal flyers pasted all over the Faculty will defeat the purpose. If you have any questions, contact Bram Freedman.

**Scheduling of Events** - In order to avoid multiple events from taking place at the same time, the LSA is proposing a Master Schedule to be posted on the LSA Bulletin Board. All groups, clubs and professors are asked to post their events on this calendar so as to reduce scheduling conflicts. For info, contact Bram Freedman.

**Library returns** - For your convenience there is now a book return bin left on the main floor of New Chancellor Day Hall when the library is closed. The box is collected daily one hour after the library opens. Fines will be charged on overdue items at the regular rate plus the cost of billing; \$2.50 per bill. For your protection please return all overdue items directly to the library.

**Recycling** - Boxes are now in place in the Law Library for the recycling of computer and photocopying paper. This service, courtesy of the Environmental Law Association of McGill (ELAM) depends entirely upon the energy of volunteers like you. Please phone James at 935-6601 for more information.

**Forum National Presents** - Me Richard Pound of the International Olympic Committee on January 17, at 12:00, in Room 202.

**Spring Convocation** - A preliminary listing of candidates expected to graduate at the Spring Convocation has been posted in the S.A.O. Students are asked to please verify the information on these lists and advise S.A.O. of any changes and corrections.

**Skit Night** - Everyone interested in Skit Night, the Law Faculty's variety show to benefit the homeless, please come to a meeting Wednesday, January 10 at 12:00 in the Common Room. We especially need people with an interest in fundraising, production, writing skits. First year students are welcome. Ceux et celles qui sont intéressés à participer activement à Skit Night, qui rappelons-nous a pour objectif premier de récolter

des fonds pour les sans-abris, sont invités à une réunion mercredi le 10 novembre à 12:00 dans le Common Room. Nous avons particulièrement besoin d'étudiants pour organiser la levée de fonds, pour la production et la rédaction de "skits". Bienvenue à tous les étudiants en première année.

**McGill Legal Aid/Clinique d'aide juridique** - Sign up for your shift at SAO this week. Inscrivez-vous cette semaine, au SAO, pour l'horaire de la clinique.

**Mail at SAO** - The following students have mail in their mailbox at SAO from either Soquij or QuickLaw:

- Nile Kaya
- Peter Golden
- Natasha Vandenhoven (2)
- Brian Bronfman (2)
- Neil Berlad
- Camille Arseneau
- Juli Abouchar
- Darcy Edgar
- Tanya Golberg
- Stephen Lamont
- David G. Morgan
- Susan O'Brien
- Eve Saucier
- Jon Quaglia
- Catherine Tyndale
- Jeffrey Rudolph
- Jennifer Zerczy

## Letter to the Editors

### To the editors:

At the risk of you wishing I would just shut up, I'd like to respond to the attack on the *Quid's* editors that appeared in the Nov. 14 issue. The complaint is that something I wrote enhanced an objectionable stereotype.

It's not that I don't know where you're getting that from. I mean, it's there on purpose. It's an element of the satire. Satire is a mix of truth and lies. If the truth -in this instance the vexatious, intriguing, arbitrary moments in the common law- is not compelling, it won't work. That's why I didn't send a copy to my grandparents. Whether that's compelling or not depends on the reader.

As important, the lies, which have been ably identified, have to be preposterous, yet not inconceivable. Again, that's going to depend on the reader. Where the *Quid* is concerned, the man in the Clapham omnibus will have to come to 3644 Peel to read one. I'm not too worried that the values of my learned colleagues will be corrupted by a proposition which, to anyone but the most fatuous redneck, is so patently ludicrous.

And shouting fire in a crowded room is probably a tort. I'll ask.

Ross Milliken.

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## A.M. Langstaff Workshop

### "Law, Boundaries and the Bounded Self"

by Julie Beauchemin, BCL I

On November 15th, Professor Jennifer Nedelsky of the Faculty of Law of University of Toronto, within the context of the Annie Macdonald Langstaff Workshops, gave a lecture on "Law, Boundaries and the Bounded Self".

She challenged our boundary metaphors by arguing that, even though we consider them as evident truth, they are a destructive way of envisioning people. These boundary metaphors are quite pervasive. They permeate the US constitutional law, for instance, which crystallizes the tradition of thinking about rights as boundaries. Property, a right which the Framers of the US Constitution endeavoured to protect, is

an ideal symbol for those metaphors. Property is the power to exclude, and it is sanctioned by the state. The notion of boundaries in property is critical because it masks the underlying aspect of relationships: power.

Our understanding of privacy is also distorted by the boundary metaphors. We focus on the importance of "keeping people out"; Nedelsky, however, suggests that respect for personhood be the guiding principle. Andrea Dworkin's perception of sexual intercourse as invasion, or of women being condemned to a lesser privacy because of their biological condition, is challenged by Nedelsky. Dworkin tacitly assumes that women's "bounded nature" is less than human because women's privacy is

invaded. Nedelsky opposes the effort to erect male boundaries around women.

A similar distortion can be found in our conception of autonomy. In Nedelsky's terms, autonomy is not a static quality which has to be protected against intrusion, but a capacity which has to be developed through constructive relationships.

Nedelsky challenges us to embrace a new vision, to find new symbols, myths and metaphors. Boundaries do structure relationships, but they do a poor job. We need a language of law which highlights the structure of relationships rather than masking them.

## Attention all Graduating Students

Graduation photos will be taken at the Faculty this year by a Jostens photographer. We have decided to abandon Van Dycks due to complaints of rudeness and poor picture quality. However, Van Dycks does have an exclusive contract with Old McGill so if you wish to be in it, you still must go to them.

The cost of the sitting at the Faculty will be \$25 which will get you a photograph in the Res Ipsa Loquitur (Law Yearbook), a personal composite to be available before school finishes, your picture in the large wall composites

displayed in school as well as proofs to order photos for your loved ones.

Please sign up for a time on the sheets posted outside of the LSA Office and stick to it as you will put the day's schedule out of whack if you are late or don't show up.

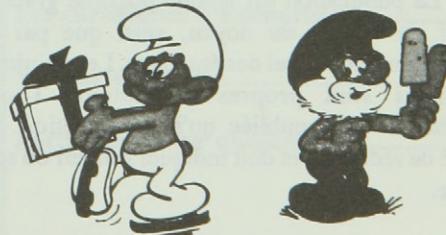
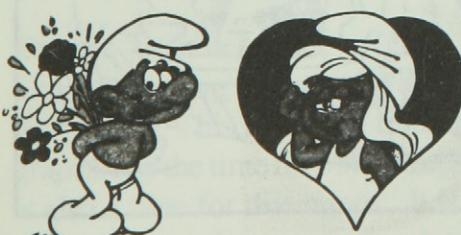
When: January 23 and 24, 1989  
Where: Common Room

If you have any questions, please contact Bram Freedman or Mundy McLaughlin.

### Famous Last Quotes from 1989

**Prof. Flanagan, in  
Common Law  
Property, on November  
23, on how loads of  
money can be made in  
trust law:**

**"Lawyers don't just do  
this for the love of  
equity, unlike myself,  
of course".**



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## Forum National Conference on Abortion

by A.O. Gillespie, BCL I

On Wednesday, November 15, Professor Katherine Young and Me Henri Kelada came to the Moot Court to speak on new perspectives on abortion. This event was the second sponsored by Forum National.

Dr Young presented extracts from a paper written by herself and Dr Nathanson, both of whom are associated with McGill's Center for Medicine, Ethics and Law. The paper attempts to give a broad, interdisciplinary consideration of the matter of abortion. Dr Young spoke on religious, historical, and socio-anthropological aspects of the issue, trying to bring non-legal opinions to the question in order that readers and listeners might broaden their views. The paper also made some interesting suggestions for dealing with the question of abortion, such as a premarital contract which would bind the couple to a particular stance on the issue for the duration of the marriage.

Me Kelada took a directly legal view of abortion, concentrating on the arguments which he used in the *Tremblay v. Daigle* case of this past summer. Me Kelada focused on provisions in the Civil Code which might have been interpreted as ensuring that the foetus is a human being and thus is protected under the Quebec Charter of Rights. It was particularly interesting to hear these arguments set out the day before the Supreme Court offered their refutation of those arguments in the text of the decision which struck down the injunction granted against Chantal Daigle.

The symposium concluded with lively and compelling questions from the audience and was followed by more informal discussion in the Common Room.

TRUE - BUT  
WELL, REALLY NOW, IT AFFECTS THE INCLUSION OF ONLY AS FAR AS PARTIES NECESSARY FOR THE DISPOSITION!



HEY, PEOPLE! I'VE GOT A REALLY CRAZY, FAR-OUT, ZANY IDEA! LET'S SPEND PART OF LUNCH TALKING ABOUT SOMETHING OTHER THAN LAW!



FORGIVE ME. I LOST MY HEAD. WHO IS THIS CHICK? JOAN SOMEBODY.



*Quid Novi* est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.